



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Mr. Bob Schuda
Partner
Dentons US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, California 90017-5704
bob.schuda@dentons.com

Re: Dust Free, LP
FIFRA Notice of Warning
Case File No. FIFRA-04-2021-0720

Dear Mr. Schuda:

The U.S. Environmental Protection Agency has obtained evidence indicating that Dust Free, LP (Dust Free) appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On or about June 7, 2019, it was revealed that Dust Free, located at 1112 Industrial Drive, Royse City, Texas, is the manufacturer of the pesticide devices Air Knight PX5, Air Knight IPG, TechPure Germicidal UV Light, and Bio-Fighter Germicidal UV Light.

When the EPA reviewed the labels and website claims for the Air Knight PX5 and Air Knight IPG the EPA alleges they made the following false and misleading pesticidal claims:

- “PX5 technology works by utilizing a quint metallic catalyst containing a proprietary mix of five noble metals including Rhodium, Platinum, Titanium, Copper and Silver;”
- “And finally, but not least, it will create the ions necessary for life. Each living thing on this planet requires the ions that Mother Nature produces in order to live healthy” and
- “Sterilizes your HVAC system and reduces contaminants at the source.”

When the EPA reviewed the labels and website claims for the TechPure Germicidal UV Light the EPA alleges it found they made the following false and misleading pesticidal claims:

- “Recent ASHRAE Study Reports UV-C Inactivates Microorganisms with a kill ration of 90% or higher;”
- “Germicidal UV light works with your home’s filtration system to optimize indoor air quality by fighting mold and bacteria growth on your system’s coil;”
- “Operates 24/7 disinfecting cooling coils, drain pans, and duct surfaces” and
- “Neutralizes pathogens, viruses, bacteria, mildew, and mold.”

When the EPA reviewed the labels and website claims for the Bio-Fighter Germicidal UV Light the EPA alleges it found they made the following false and misleading pesticidal claims:

- “The Bio-Fighter Germicidal UV Light can help protect your family from these harmful airborne contaminants”
- “Enjoy healthier air”
- “Breathing cleaner air reduces your loved one’s exposure to airborne germs and contaminants within your home”
- “Prevent bacteria and mold from growing in your system Installed in your heating and cooling system, the BioFighter® Germicidal UV Light radiates a special frequency of ultraviolet light that penetrates the cell walls of biological contaminants, damaging their physiological structure. The contaminants are no longer viable and cannot continue to grow, multiply, and spread throughout your heating and cooling system.”

Dust Free sold and distributed the Air Knight PX5 and Air Knight IPG devices. To qualify as a device, no chemical substance should be sold with or contained within the device for pesticidal purposes. Any addition of a chemical substance to the device will qualify the device as a pesticide product and should be registered with the EPA. Pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), it shall be unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under section 3 of FIFRA. TechPure Germicidal UV Light and Bio-Fighter Germicidal UV Light make false and misleading claims as referenced above. Pursuant to Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), it shall be unlawful for any person in any State to distribute or sell to any person any device which is misbranded.

In response to the potential violations of FIFRA at the facility, the EPA is issuing this Notice of Warning (NOW) to Dust Free pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined that at this time a NOW is the appropriate enforcement response for the company’s apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of the company submits a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement should be submitted via email to Phillip Beard at beard.phillip@epa.gov and submitted in hard copy to:

Phillip Beard
Pesticides Enforcement Section
Enforcement and Compliance Assurance Division
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

In the event that the EPA decides to initiate a more formal enforcement action, you will be notified in writing and provided an opportunity to meet with the EPA or conduct a conference call to present any facts, evidence, or arguments as to why the EPA should not initiate such action. Since your company may be classified as a small business, you may want to review the Information Sheet “U.S. EPA Small Business Resources,” which can be found on the internet at: www.epa.gov/compliance/small-business-resources-information-sheet. This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any legal questions about this letter, please contact Lynda Crum at (404) 562-9524 or by email at crum.lynda@epa.gov. For technical questions, please contact Phillip Beard at (404) 562-9012 or by email at beard.phillip@epa.gov.

Sincerely,

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

cc: Mr. Troy Stuckey, EPA Region 6 (stuckey.troy@epa.gov)